REMARKS

Claims 1-17 and 19-31 are currently pending in the application. Claims 30 and 31 have been withdrawn from consideration. Claims 20-25 are allowed.

Claims 1-17, 19, 20 and 29 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent Publication No. US2002/0094885 (Finkel). Claims 26 and 27 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 6,315,683, to Yoshida et al (Yoshida).

Reconsideration of the rejection of claims 1-17, 19 and 26-29 is requested.

Claim 1 has been amended to clarify that a portion of the spherical outer surface maintains the at least one of the first shape, first diameter, first hardness upon being immersed in water continuously for a period of at least (no less than) two days such that there is no difference from the first performance characteristic that is detectable by a golfer by striking the golf ball with a golf club until the golf ball is immersed for at least two days. A difference between the first and second performance characteristics is detectable by a golfer by striking the golf ball with a golf club.

One objective of the present invention is to avoid the recovery and resale of golf balls that have been immersed in water, such as in a hazard on a golf course. At the same time, the invention contemplates that the golf ball be useable in conventional fashion, as in rainy conditions during one or more rounds of golf, without the golf ball changing so that its performance characteristics are different.

In short, the inventive golf ball can be immersed in water for at least two days without any detectable difference in performance characteristics. However, within a period after the two days, of no greater than 180 days, the performance characteristics change so as to be detectable by a golfer by striking the golf ball with a golf club.

Finkel discloses in paragraph 0055 that the golf balls "decompose quickly upon exposure to water, sunlight, or air" (lines 5 and 6).

In lines 6-10 of that same paragraph it is stated "For example, in one embodiment of the invention, the golf ball is configured to completely dissolve after being exposed to air, water, or sunlight (or any combination thereof) for a period of time that is three days or less".

In short, Finkel contemplates immediate, rather than delayed decomposition. This immediate decomposition makes the ball in Finkel unuseable during a round of golf, as in rainy conditions, or in the event that the golf ball is even temporarily immersed in water during a round of golf. Thus, while the ball in Finkel is useable as an environmentally friendly practice ball, it cannot be used conventionally to play a round of golf, as can the golf ball recited in applicant's claim 1.

Accordingly, claim 1 is not anticipated by Finkel, nor is the subject matter thereof made obvious by Finkel.

Claims 2-9 depend from claim 1 and recite further significant structural detail to further distinguish over Finkel.

Claim 10 has been amended similarly to claim 1. The arguments advanced relative to the allowability of claim 1 apply equally to claim 10.

Claims 11-17 depend cognately from claim 10 and recite further significant structural detail to further distinguish over the prior art.

The distinctions between the structure in claim 19 and Finkel have been clarified by amendment. As noted above, Finkel does not teach or suggest a golf ball that, upon being immersed in water, will retain a first performance characteristic for at least two days and

thereafter change so as to have a second performance characteristic that is detectable to be different than the first performance characteristic by a golfer by striking the golf ball.

As to claims 26 and 27, the Examiner states that the presence of a capillary "is moot" since the capillary may be completely filled". However, claim 26 characterizes the capillary as having a material filling at least part of the capillary that is different than a material defining the cover layer. Accordingly, the capillary retains its identify by reason of being filled partially or entirely with a different material. Yoshida does not teach or suggest such a construction.

Claim 28 has been amended to clarify that the capillary has an identity by reason of being partially or entirely filled with a different material than is used to define the cover layer. Finkel does not teach or suggest this construction.

Claim 29 has been amended similarly to claim 28 to clarify that the capillary recited therein has a second material therewithin that changes from a first state into a first state.

Entry of the amendment, reconsideration of the rejection of claims 1-17, 19 and 26-29, and allowance of the case are requested.

Respectfully submitted,

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